

APPEAL NO. 020159
FILED MARCH 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 7, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, but that if the claimant had sustained a compensable injury, the respondent (carrier) would be relieved of liability under Section 409.002 because of the claimant's failure to timely notify his employer pursuant to Section 409.001. The claimant appeals, asserting that he did sustain an injury and timely reported the injury to the employer. The carrier replies, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The issues of whether the claimant sustained a compensable injury and whether he timely reported an injury to the employer involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer noted that there was a seven-month gap between the alleged injury and medical treatment being sought, that the claimant was able to perform work for seven months, that the medical evidence could not causally relate the alleged incident to the claimed injury, and that the claimant had prior work-related injuries and was aware of the workers' compensation program and how it worked. The hearing officer specifically found that the claimant's testimony was lacking in credibility. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge